

Minutes
State Board of Education
Monday, February 12, 2007

The State Board of Education met on Monday, February 12, 2007, in the Auditorium of the Arkansas Department of Education Building. Diane Tatum, Chairman, called the meeting to order at 9:00 a.m.

The following members were present: Diane Tatum, Chairman; Randy Lawson, Vice-Chairman; Sherry Burrow; Jim Cooper; Dr. Tim Knight; Dr. Ben Mays; and Dr. Naccaman Williams.

The following members were absent: Dr. Calvin King and MaryJane Rebick.

Chair's Report

Ms. Tatum reported attending the announcement by Murphy Oil Company and the El Dorado School District regarding scholarships available to all students who graduate from El Dorado High School.

Commissioner's Report

Dr. James noted a recent press conference in the Governor's Conference Room recognizing Arkansas' success in increasing the number of students completing Advanced Placement (AP) courses and taking AP exams. He reported that Arkansas is being considered as a model for the nation in implementing AP programs and completing AP exams. He also noted the seemingly fast paced actions in the General Assembly and that budget considerations are a major topic at this time.

Consent Agenda

Mr. Lawson moved approval of the Consent Agenda with noted revisions to the January Minutes as reported to the Secretary. Ms. Burrow seconded the motion. The motion was adopted unanimously.

- Minutes – January 17, 2007
- Commitment to Principles of Desegregation Settlement Agreement: Report on the Execution of the Implementation Plan
- New Employed, Promotions, and Separations
- Review of Loan and Bond Applications

Action Agenda

Agenda items one through three were recorded and are reported under separate cover by a court reporter. Readers of the minutes are directed to the court reporter's report for full text of the discussion of each of these hearings.

Consideration of Financial Status of Arise Open Enrollment Charter School – Monticello

Dee Cox was recognized to make this report. Ms. Cox stated that Lorenza Simmons, administrator of ARISE Open Enrollment Charter School, would address the Board. Mr. Simmons stated that ARISE has experienced a significant decrease in enrollment over the past several months and that decrease coupled with the increasing cost of transportation necessitated that ARISE surrender the charter due to financial conditions. Mr. Simmons stated that part of the decrease in enrollment was related to a consortium of districts in the area creating a new alternative learning center that was created to provide programming for students similar to those targeted by ARISE. Mr. Simmons stated that the final day of operation of ARISE was January 31, 2007.

Dr. Williams stated that this situation is an example of what should happen; public schools should become aware of and address specific needs of students who may not be successful in the public schools.

Dr. Mays asked about recovery of assets from the school. Scott Smith reported that Department staff had been to Monticello and conducted an inventory review and that the school had no real property or permanent fixtures. Mr. Smith reported that personal property items would be claimed and distributed to other charter schools in the state. Mr. Smith also reported that the Department worked with local public school districts to assure that all students attending ARISE were registered in one of the districts in the region. Mr. Simmons reported that all students but two had been placed at this time.

Dr. Williams moved that the Department accept the surrender of the ARISE Open Enrollment Charter. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Continuation of the Hearing of Open Enrollment Charter School Application Perkins Academy of Science/Math/Technology – Helena-West Helena

Dee Cox was recognized to present this item. Ms. Cox stated that this item is to consider additional information submitted pursuant to the Perkins Academy application. Jacqueline Mills was recognized to respond to questions from the

Board. Mr. Lawson asked about the location of the new facility that is proposed. Ms. Mills reported that the facility is located approximately 10 miles from the site in the original proposal.

Scott Smith reported that a number of the items of additional information requested by the Board still lacked resolution: those include the lease agreement is not in the hands of the owner of the 501(c)3 organization; the lack of handicap accessibility of the facility; and the fact that Ms. Mills is slated to be the lead teacher in the charter program and she also is listed as the lead teacher in an ABC pre-school program funded by the state.

Questions from Board members invoked discussion in the following areas:

- Change of the modular concept for building to an older building currently in place.
- The lease agreement – specifically detailing who pays for repairs during the period of the lease
- Liability insurance of the proposed transportation provider
- Ms. Mills being both an administrator and a member of the Board of Directors
- Eligibility of the school/students for participation in the school lunch program
- Status of the 501(c)3 designation
- Cooperation/competition with KIPP academy – another charter school also operating in the Helena area

Dr. Knight moved that the proposed charter application for Perkins Academy be denied for the following reasons – lease agreement, school lunch issues, handicapped accessibility of the proposed building, double responsibility of the proposed administrator with ABC program and charter program. Ms. Burrow seconded the motion.

The motion was adopted on a vote of 5 yes, 1 no (Williams voted no) on a roll-call vote. The reasons cited by Board members supporting the motion were given in the statement of the motion. Dr. Williams stated that his no vote reflected his belief that the Board may be making a charter almost impossible to earn. He stated that he felt that most if not all the issues cited could be resolved and that the Board was not giving charters an opportunity to prove themselves. Mr. Lawson stated he supported Dr. Williams' observations and encouraged the developer to take the expressed concerns, correct them and reapply.

Continuation of the Hearing of Open enrollment Charter School Application: Dreamland Academy of Performing and Communication Arts – Little Rock

Dee Cox recognized Carolyn Carter and Mr. Raahul Reddy to respond to questions from the Board pursuant to additional information provided.

Questions from the Board were directed to the following issues:

- Confirmation of diversity on the Board of Directors
- Changes in proposed facility
- Conditions of the lease agreement – who pays for repairs

Scott Smith stated that the Board could enter a motion that would be contingent on requested conditions in the lease agreement.

Mr. Lawson moved approval of the Dreamland Academy Open Enrollment Charter School proposal contingent on review and approval of facility lease agreement, which should be submitted at the March meeting. Dr. Knight seconded the motion. The motion was adopted unanimously on a roll call vote.

Request for Approval of Revised Social Studies Framework

Dr. Gayle Potter was recognized to present this item. Dr. Potter reported that the revision of this framework is consistent with the adopted plan for revision of all State frameworks. She stated that a diverse committee of educators worked for several months to research best practices, review frameworks from other states that are regarded by the professional community as being cutting edge, and seek input from schools, districts and practitioners as to what should be included in the revised framework. Dr. Potter also introduced Jan Lloyd, a social studies teacher from Cabot, representing membership on the Framework Committee.

Ms. Burrow asked Ms. Lloyd about a number of e-mail communications received by Board members regarding the restructuring of the framework and the increased expectations included in the new Framework document. Ms. Lloyd responded that all of those issues were considered, but the committee supported the changed format and believed the document reflects current trends in the discipline.

Dr. Williams asked about how the proposed document compares with those from surrounding states. Dr. Potter responded that documents from all states were considered during the revision, but that more weight was given to frameworks from states that received highly favored national reviews. Frameworks from neighboring states, although reviewed, were not considered as much as those from higher achieving states. Dr. James stated that Arkansas' frameworks need to be reflective of the best in the land or even internationally, not compared to those from states that were not considered exemplary.

Dr. Potter acknowledged that professional development will be necessary to assist teachers with implementation of curricula that reflect the new Frameworks and that work is being designed.

Mr. Lawson was appreciative of the hard work of the committee, but pointed out an example of a flaw in the Sociology section whereby it seemed to imply that early theorists, including Karl Marx, were accurate or only had a positive influence on society. Mr. Lawson stated that listing Marx in that situation would imply or be suggestive that Marx's theoretical contributions were acceptable or a good thing, which is contrary to historical evidence. He stated that we want to teach our students to be "thinkers" to evaluate data and history, but we do not want to suggest that some early theorists, like Karl Marx, were right when history clearly proves certain theories were wrong or led to terrible atrocities in the name of Marxism. To imply that Karl Marx was all positive would be revisionist history and simply wrong. Mr. Lawson suggested that the wording should include investigation of the good and bad contributions of early theorists would be more appropriate.

Mr. Cooper asked about representation on the committees. Dr. Potter assured him that diversity of every sort was considered and that much debate went into the formation of the document. Dr. Mays asked about representation of classroom teachers. Dr. Potter noted that over half of the committee membership was classroom teachers. Ms. Tatum asked if the committee members worked throughout the process. Dr. Potter stated that a small number of committee members were unable to make every meeting, but by far the majority of the committee attended all working sessions.

Dr. Williams asked if the revised Framework would be considered more positively by national review panels. Dr. Potter said it was not possible to speak for independent review groups, but she was confident that this document reflects a document more consistent with those receiving high ratings.

Mr. Lawson stated that he supported the work of the committee, but feels that clarification of some content expectations is needed and the document should be clear about what is meant. He feels teachers need to have clear understanding about expectation of the standards.

Dr. Mays asked about standards and language used to define expectations for elementary students in economics. Dr. Potter affirmed that the economics sections were reviewed carefully by the staff from the Arkansas Economic Education Office, which was also represented on the committee. Dr. Mays questioned the need for in-depth instruction in economic education when students' critical need is reading.

Ms. Burrow moved approval of the Social Studies Framework with revisions as noted by Mr. Lawson. Dr. Knight seconded the motion. The motion was adopted unanimously.

Consideration of Petition Letters from Pulaski County School District and Cross County School District Requesting Removal from Fiscal Distress Classification

Dr. Bobbie Davis was recognized to present this item. Dr. Davis reported that Department work with the Pulaski County Special School District has confirmed that performance over the past year is sufficient to meet conditions for removal from fiscal distress. Dr. Mays asked about athletics budget and the reporting of funds spent for athletics. Mr. James Sharp, Superintendent, reported that salaries of coaches were state funds and were reported as such. Mr. Sharp further stated that other athletics expenditures were funds received from gate receipts – no state funds were used for travel, equipment etc.

Mr. Lawson moved that Pulaski County Special School District be removed from fiscal distress. Dr. Williams seconded the motion. The motion was adopted unanimously.

Dr. Davis also reported that the Cross County School District has worked effectively with Department staff to correct a number of audit exceptions that placed them on fiscal distress. She stated that the community elected a Board who in turn hired a new superintendent all having a common focus of getting that district fiscally stable.

Mr. Cooper moved to approve the request for removal of Cross County School District from fiscal distress. Dr. Mays seconded the motion. The motion was adopted unanimously.

Round #6 Recommendations for 2006-2007 Arkansas Better Chance

Paul Lazenby was recognized to present this item. Mr. Lazenby reported that there was a processing error in funding the Paragould School District ABC grant for 2006-2007. He noted that the supporting document to the Agenda provides a corrected budget. He requested approval to increase the funding as proposed.

Dr. Williams moved to adopt the recommendation for Paragould ABC grant as proposed. Ms. Burrow seconded the motion. The motion was adopted unanimously.

Request for Approval of Per Child Funding for 2007-2008 Arkansas Better Chance Program

Paul Lazenby was recognized to present this item. Mr. Lazenby stated that the staff proposes authorization for increasing costs for the home visiting program by 5% and the regular program by 6% per child for the coming year.

Mr. Cooper observed that there was a decrease in the request for health screening. Mr. Lazenby responded that this was possible because of services provided to many of the children by AR Kids Program.

Mr. Cooper moved to accept the recommended increases as proposed. Dr. Williams seconded the motion. The motion was adopted unanimously.

Request for Approval of 2007-2008 Arkansas Better Chance Grant Application

Paul Lazenby was recognized to present this item. Mr. Lazenby stated that at this time there are questions about the amount of funding that will be available because the Arkansas General Assembly has not approved allocations for the coming year, thus new funding will be contingent upon appropriated budget.

Dr. Williams asked if there were substantial changes in the proposed application document. Mr. Lazenby noted that there were changes that would address collaboration of support services and document of community services with the intent to not duplicate services, thus reducing supplanting.

Mr. Lawson moved approval of the proposed 2007-2008 application forms. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration for Public Review and Comment for the Proposed Arkansas Annual State Application under Part B of the Individuals with Disabilities Education Act (IDEA) as Amended in 2004 for Federal Fiscal Year 2007

Marcia Harding was recognized to present this item. Ms. Harding noted that the State program must under go annual revision in keeping with federal statute. Dr. Williams moved adoption for public comment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration for Approval for Public Comment/Hearing to Implement Federal Regulations that Changed the Process School Districts Must Follow to Conduct a Manifestation Determination Review for a Student with Disabilities Facing Long-Term Suspension or Expulsion.

Dr. Charity Smith and Marcia Harding presented proposed revisions in this Rule and noted that the changes are in keeping with federal guidelines. Ms. Burrow moved adoption of the proposed revisions for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Beverly Williams presented proposed revisions in each of the following five rules governing aspects of teacher licensure.

Consideration of Request for Public Comment of the Proposed Revision of Rules Governing the Addition of Areas of Licensure or Endorsement

Ms. Burrow moved adoption of the proposed revisions for public comment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration of Request for Public Comment of the Proposed Revisions of Rules Governing the Requirements and Procedures for Renewing a Standard Teaching License

Mr. Cooper moved adoption of the proposed revisions for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration of Request for Public Comment of the Proposed Revision of Rules Concerning the Non-Traditional Licensure Program

Mr. Lawson moved approval of the proposed revisions for public comment. Dr. Williams seconded the motion. The motion was adopted unanimously.

Consideration of Request for Public Comment of the Proposed Revision to Rules Governing Teacher Licensure by Reciprocity

Dr. Williams moved approval of the proposed revisions for public comment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Consideration for Public Comment of the Proposed Arkansas Department of Education Rules Governing Initial, Standard and Provisional Teacher Licensure

Dr. Mays moved approval of the proposed revisions for public comment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Full text of the following items can be found in the transcript prepared by the Court Reporter.

Courtney Ford, staff attorney for the Department of Education, presented each of the licensure and non-certified employment waiver requests.

Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the North Little Rock School District – Ruthie Dolby

Dr. Williams moved approval of the stipulated agreement as presented. Dr. Knight seconded the motion. The motion was adopted unanimously.

Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the Fort Smith School District – Sandra Matthews

Ms. Ford stated that after this agreement was structured, the Fort Smith School District declined to state in writing the district's recommendation of Ms. Matthews. Ms. Matthews was not present nor represented. Mr. Cooper moved to deny the request for waiver. Dr. Mays seconded the motion. The motion was adopted unanimously.

Request for Approval of Stipulated Agreement of Waiver Request for Non-Certified Employment with the North Little Rock School District – Barbara Bolton

Dr. Mays moved to approve the stipulated agreement as presented. Mr. Cooper seconded the motion. The motion was adopted unanimously.

Request for Approval of the Recommendation of Suspension of Teacher's License – Alvin Yarberry, Jr.

Mr. Yarberry was not present nor represented. Dr. Williams moved suspension of teaching license. Dr. Knight seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Non-Certified Employment with Pine Bluff School District – Buddy Johnson

Ms. Ford stated that the Pine Bluff School District informed the Department that the District would not provide a letter of recommendation nor would it rehire Mr. Johnson. Mr. Johnson was present and addressed the Board. Mr. Cooper moved to deny the waiver request based on the lack of recommendation from the Pine Bluff School District. Mr. Lawson seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Certified Teacher's License – Deborah Landers

Ms. Ford introduced Ms. Landers who addressed the Board. Ms. Landers stated that she had been working as a substitute teacher, but wanted to apply for alternate licensure as a primary (P-4) teacher. Dr. Williams observed that the letter presented from the Vilonia School district was not a strong statement of support nor was it an indication of potential employment should the waiver be approved. Mr. Cooper moved to deny the request for waiver to allow provisional licensure. Dr. Mays seconded the motion. The motion was adopted on a vote of 5 yes, 1 no (Burrow voted no).

Hearing on Waiver Request for Non-Certified Employment with the Malvern School District – Dexter Shinault

Mr. Lawson asked why the Department did not negotiate a stipulated agreement for this issue. Ms. Ford responded that the nature of the offense and the history of multiple offenses made this case different. Ms. Ford did indicate that the superintendent of Malvern School District submitted a letter of recommendation. Dr. Williams moved approval of the waiver. Mr. Mays seconded the motion. The motion was adopted unanimously.

Hearing on Waiver Request for Non-Certified Employment with the West Memphis School District – General Robinson

Mr. Robinson was present and addressed the Board. Ms. Ford stated that a stipulated agreement was not recommended because of a conviction involving a controlled substance and an additional conviction. Dr. Williams moved approval of the waiver. Mr. Mays seconded the motion. The motion was adopted on a vote 5 yes, 1 no (Lawson voted no).

Hearing on Waiver Request for Non-Certified Employment with the Helena-West Helena School District – Michael Jenkins

Mr. Jenkins was not present nor represented. Dr. Williams moved approval of the waiver request. Dr. Knight seconded the motion. The motion was adopted unanimously.

Discussion Membership in National Association of State Boards of Education (NASBE)

The Chair appointed a committee to include Dr. Williams, chair; Dr. Mays and Ms. Rebick to consider NASBE membership and bring a recommendation to the March meeting.

Appointment of a Nominating Committee

The Chair appointed Mr. Lawson, chair; Dr. King and Ms. Burrow to serve as the Nominating Committee. The committee is charged with bringing a slate of officers for 2007-2008. The committee is to report at the May meeting.

Other Business

Mr. Green a parent from the Marianna School District was granted permission to address the Board. Mr. Green stated that many parents in the Marianna School District are concerned that teachers and other employees of the district have been on strike for several weeks and students have not been in class. He asked if the Board could help resolve the issues so that classes can resume in that district. Ms. Tatum responded that such issues were the responsibility of the local patrons, the elected school board and the administration and there was little that the State Board could do to intervene in the settlement.

Dr. Williams move adjournment. Mr. Cooper seconded the motion. The motion was adopted unanimously.

The meeting adjourned at 12:55 p.m.

The Minutes were recorded and reported by Dr. Charles D. Watson.

Dr. Ken James, Commissioner of Education

Diane Tatum, Chair State Board of Education